

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INFINEON TECHNOLOGIES AUSTRIA AG,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:13-cv-684
	§	
VOLTERRA SEMICONDUCTOR	§	JURY TRIAL DEMANDED
CORPORATION, and VOLTERRA ASIA	§	
PTE. LTD.,	§	
	§	
Defendants.	§	

JOINT MOTION TO EXTEND DISCOVERY DEADLINES

The parties have engaged in a substantial amount of discovery in this matter to date. Since the scheduling conference in early April, the parties have been actively engaged in discovery, including venue discovery, core technical discovery, third party discovery, and overall discovery on merits issues including custodial and ESI discovery. In addition, the parties completed claim construction briefing, attended a hearing on October 14, 2014, and are awaiting a final claim construction ruling.

The discovery in this case is complex. It involves two separate patents and approximately thirty accused products, as well as a number of third party prior systems and references. The parties have exchanged written discovery and have nearly completed document production. Infineon has produced over 160,000 documents responsive to Volterra's ESI requests, and Volterra—which is close to finalizing its ESI production—has produced almost 70,000 documents to-date, beyond the multi-million page production it made in a prior related case that has been designated for cross-use here.

In short: the parties have been diligent in seeking discovery and complying with the court's deadlines. Despite the extensive efforts to date, and owing in part to the still-pending claim construction and transfer rulings, the parties require additional time to complete fact discovery in advance of expert reports. The parties have noticed more than two dozen depositions combined and are working diligently to schedule those depositions. These depositions include a number of third parties whose schedules the parties are endeavoring to accommodate, and for whom scheduling has had to be arranged between both parties' counsel, the third party's counsel, and, in at least one case, the third party's former employer. The third party depositions are very important, as they relate to prior art being investigated by Volterra and Infineon has noticed a deposition of HP to provide evidence of acts of infringement and facts relating to damages. These depositions cannot reasonably be completed in the timeframe allotted, and both parties would be prejudiced if they were unable to complete fact discovery depositions in advance of expert reports and dispositive motion letter briefing.

As a result, the parties jointly request the following extensions:

Deadline	Current Date	Proposed Date
Fact discovery cutoff	November 24, 2014	December 12, 2014
Opening expert reports	November 21, 2014	December 19, 2014
Deadline for letter briefs for dispositive motions	November 24, 2014	December 22, 2014
Rebuttal expert reports	December 22, 2014	January 19, 2015
Expert discovery cutoff	January 12, 2015	January 30, 2015
File dispositive motions or motions to strike	January 19, 2015	February 6, 2015

All other dates remain unaffected by the proposed extensions, including the pretrial schedule and trial date.

Dated: October 30, 2014

By: /s/ David G. Wille

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Date: October 30, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on October 30, 2014, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ David G. Wille
David G. Wille

CERTIFICATE OF CONFERENCE

I hereby certify that this Motion is entered by the agreement of the parties.

/s/ David G. Wille
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